

Genuine Memoirs

OF THE REV.

D R. D O D D;

CONTAINING

Many Curious ANECDOTES which
were never before published ;

Together with

An ACCOUNT of the FORGERY
of a Bond of 4200l. on the Earl of
Chesterfield.

With the

Exact PARTICULARS of his TRIAL
at the OLD BAILEY, on Saturday the 22d of
February, 1777.

L O N D O N :

Printed for J. WHITAKER, No. 3. Mitre-
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sellers in Town and Country.

Genuine Memoirs

OF THE

D. D. D. D.

CONTAINING

THE HISTORY AND
PROGRESS OF THE

AN ACCOUNT of the
of a body of people on the
Cheltenham.

With the

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OF THE
OF THE

LONDON:

Printed for J. White, No. 3, St. Paul's Church-yard, and for the
of the Town and County.

GENUINE
MEMOIRS, &c.

THERE are certain crimes so flagitious in themselves, and so evidently destructive of civil society, that we find them universally censured by every candid mind, and prohibited by all nations under the strictest penalties.

The punishment of them has been always more or less severe, in proportion to their fewness or frequency, the stations or the number of the delinquents.

In preceding ages, when trade in these kingdoms was little more than simple barter ; when our ancestors might be arranged under the several classes, of learned clerks, military nobles, drudging villains, and laborious husbandmen ; when most could not write, and those who were skilled in that art, made it a business, and the means of their subsistence, Forgeries, which could not well be practised but by learned clerks, must have been extremely rare ; and consequently the authors were punished only with public infamy, which always implied both the loss of honour and the forfeiture of employment.

Commerce enlarges the circle of human action, and encreases the cares and pursuits of life ; it involves in it a variety of useful arts, and gives birth to the noblest improvements ; its object is no less, than to transmit the products of nature, and the most ingenious manufactures of men, from one clime to another. Hence the marvellous invention of ship building,
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with all the train of different professions dependent upon, and connected with it. Hence flows the resolution of the *Insurer*, no less daring than that of the *Mariner*. Hence proceed the various aids, by which many sagacious men, equally attentive to their own, and their neighbours interest, have endeavoured to cherish and maintain the spirit of commerce : Such as seasonable loans upon a moderate premium, paper-credit, and public banks. By this it appears, that the present state of trade forms a very intricate and complex system, feeds its millions of industrious agents, and requires even in its smallest branches, in its minutest parts, that strict equity and mutual confidence, which can alone support it ; and without which its springs must be soon relaxed, and the whole machine tumble into ruin.

When it was first planted in this happy isle, and began to flourish under the bright ray of Freedom, and the protection of indulgent Princes ; a sensible change
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took place, in almost all the aims and employments of men. The farmer's son forsook the plow for the loom—The military man became a peaceable citizen, and laid aside his sword to use his pen in the Banker's office. The Monk ceased to be a Scribe; for the arts of writing and accounts had become a general study.

Amidst this new and improved state of things, the antient laws, which only inflicted the punishment of public Infamy upon Forgerers, still remained in force. Either the voice of religion, a sense of shame, or the simplicity of human manners, were found to be sufficient restraints upon those who might otherwise have been inclined to make a bad use of their penmanship.

It is in general a much better method to prevent, than to punish crimes. Many have objected to the utility of our charitable schools, as they enable the poorest to learn the art of writing, and consequently

quently lay them under the temptation of committing forgeries. A man in Holland could imitate another's hand so perfectly, that the person whose subscription was so imitated, could not distinguish it from his own. Several essays of this kind were made: many wagers upon it both won and lost, until it became not only a subject of general conversation, but of public enquiry. The states of that republic, after a solemn discussion of his case, assigned him a pension for life, but ordered his hands to be chopped off, he being equally expert in the use of both. No forgeries could be laid to his charge, but the jealous guardians of a commercial country thought fit to prevent the threatening effects of his too eminent penmanship.

Our milder laws abhorred any such exercise of political power; but as has been said, they inflicted the more moderate punishment of infamy only, not for them
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who might, but upon those who actually abused their talents,

At length, what by the encreased numbers of mercantile clerks, from habits of dissipation, a spirit of gaming, and that change of taste and manners introduced by the famous South-sea bubble, in 1720, forgeries grew to be so frequent, that a severer punishment for this pernicious crime, than what had been hitherto inflicted, became the earnest wish of every friend to commerce, and the desire of the public at large. An act was therefore passed during the late Mr. Pelham's ministry, about twenty-eight years ago, which made all forgeries capital; that those who would not be restrain'd from doing ill, by delicacy and virtue, might be kept within due bounds, by the alarming apprehension of losing their lives.

Whether the lenity of the antient punishment, might render it too often an indifferent matter, both in the eye of the public,

public, or of the injured individual, to prosecute offenders with rigour, cannot now be known. Only, it has been frequently remarked, that forgeries have rather increased than diminished; or, at least, have been more strictly searched after, and more steadily prosecuted, since they were made capital, than before that period.

It would be both unjust and illiberal to reproach any community of men with the faults of individuals; and yet, the keen edge of a party spirit, an invidious dislike of particular professions, or a proneness to scandal, too often authorises this malignant mode of rash decision, although it is always sure to be condemned by the more judicious and candid part of the world.

Can any one think the worse of the medical faculty on the mere account of Mr. Perreau's misconduct? Can we dare to accuse the whole body of the law, because a few attornies have miscarried? Can

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we, with any shadow of reason, condemn the trader, or the merchant, if most forgeries have been committed by men engaged in commercial life? or presume to arraign the sacred character of the Presbyter, or the Bishop, because within a century or so, two or three of the British clergy, have been accused of the same offence?

Such false reasonings, and such partial censure, are highly blameable; and, if in spite of every just remonstrance, they still be obstinately indulged, and persisted in, nothing in nature can more fully display the error both of an unrenewed and uncultivated mind, the corruptions of a bad heart, and the blunders of a weak head.

But while we thus recommend a fair and charitable opinion of men and things, we must equally acknowledge, that the voice of public justice should be heard, and the atrocious criminal brought to condign punishment. *Humanity* prompts
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us to wish the *best* things for all mankind; but *truth* obliges us to witness the *worst*, against even our dearest friend, if they be actually guilty of the crimes laid to their charge.

These general reflections may, with great propriety, be employed to introduce our present narrative of the early studies, and more active life, of that deluded and unfortunate Clergyman who is now in confinement for the infamous and capital crime of forgery, upon one of his best friends and noblest benefactors.

Dr. Dodd is the eldest son of a clergyman in Lincolnshire, who, after a suitable preparation in classical learning, was sent to Cambridge, where he made only such a proficiency in taste and literature, as the present and past institutions of that University would permit. He might have gone on in the usual routine of lectures, and lived and died in obscurity, if a certain eminent tutor, in a neighbouring college,

college, had not, from his best observations upon the many defects, both in eloquence and elocution, which will, at all times, prevail among the Sons of Dullness, formed a noble and judicious scheme of training young men, of competent genius, to a just taste and skill, both in composition and delivery. Dr. Dodd, blessed with all the pathos, and with all the harmony of a well-tuned voice, became one of his most promising disciples.

A grand election, not for a common member of parliament, but for the high and important office of Chancellor, alias Ruler of that University, came on in the year 1749, when the late Duke of Newcastle, with all his zeal for the Protestant interest, and Hanoverian succession; with all his skill in the arts of cookery; with all his exact nomenclature, of How does your uncle *Tom*, or your cousin *Dick* do? with the most solemn and repeated promises of curacies and rich livings, of collegiate and cathedral preferments, of king's chap-

chaplainships, and still nobler bishoprics, found more difficulties in accomplishing his design, than *Grafton*, with much fewer douceurs, experienced on his late promotion.

Dr. Dodd was selected from the crowd of other pretenders, to rehearse poems, and pronounce speeches before his Grace of Newcastle, who was more assiduous to cultivate the favour of the *Proctors*, than hear the most elegant and elaborate harangues.

This laid a foundation in the Doctor's mind of many new hopes, and actually proved a source of much severe trial, and hazardous adventures. He had composed some verses upon the election, which were well received; and in the highest strains of adulation dedicated to the new Chancellor. Allured by the promises, and flattered with the protection of this powerful patron, he came to town, fully resolved to pursue the poetical walk, and
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write for the stage. But, whether that province was already occupied by men of brighter parts, or, whether his productions scarce amounted to mediocrity, or from whatever else it might flow, he could not succeed in his favourite scheme; but like many others, found it a matter of daily concern, how to subsist. In the mean time, falling desperately in love with a certain lady, and encreasing his cares and wants by a too hasty and inconsiderate marriage with her, he was obliged, as his last recourse, to take *holy orders*, and glad to officiate occasionally, as he could get employment. At last, an advertisement appeared in the papers, for one to assist an old and infirm Clergyman, who was lecturer of Westham in Essex: our Doctor embraced it without delay, but being never able to mend or conceal his vain and selfish temper, he soon insisted upon two thirds of the income as his reward, bred so many quarrels, and so frequently affronted his aged friend, that in less than a year, the
 poor

poor man died of a broken heart; and left his assistant in full possession of the whole lectureship. Westham is a large and extensive parish, filled with crowds of middle rank gentry, who have retired from the toils and tricks of trade, to spend the remainder of their days in devotion, cards and scandal. Among such a class of people the Doctor reaped a plentiful harvest, being adored to a degree of idolatry, and regularly receiving above two hundred a year. Nay, so far was this *pretty* preacher indulged, that being chosen lecturer of St. Olave's, Crutched Friars, both parishes consented, that without any diminution of this salary, he should preach alternately among them; thus, reckoning one day of the Doctor's attendance, in a fortnight, of more value than a whole quarter's service of any other man.

But amidst all this peculiar indulgence, he began to cast a wistful eye to the Magdalen Hospital, being then conveniently

niently situated between his two churches, requiring only one sermon on the Sunday evening, and which from some small beginnings had marvellously prospered in a few years. How to accomplish this design, was no easy task. Many obstacles stood in his way; the common bait being laid to no purpose, That the Doctor was ready to officiate for the mere sake of doing good, and without expecting the least fee or reward. For alas! the post of honour was already full. The *benevolent* Jonas, had fixed one of Westley's hedge preachers in the place; and with his usual ardour, was ready *vi et armis*, to support his choice.

However, as a party among the governors was gradually forming for the Doctor, he did not despair. It is curious to relate one stratagem, by which among others, they were able at last to obtain their ends. The methodist chaplain was almost sixty years old, of a diminutive appearance, of a withered complexion, and

and extremely coarse features; and yet, it was solemnly debated at a general court, and positively resolved upon, by the house committee, that this Adonis should be obliged to marry, or quit his post; it being thought extremely dangerous, that a single man should be admitted to converse with handsome girls, who had so long, and so well known, *what was what*.

The Doctor's friends had in this plot a double aim. First, they expected, that scarce any woman could be found, who would marry their chaplain: if it should otherwise happen, they next concluded, that the urgent wants of an increasing family, impossible to be supplied by their scanty allowance, might oblige him to desert his station. The latter event took place. He married, and after the *extraordinary expence of his wife's first lying-in*, was forced to leave the Magdalen, and take a laborious curacy in the city. They had some regard for the man,

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recommended him as a joint lecturer to a neighbouring parish, which was passive enough to receive him, and where he probably still continues, like most of our modern methodists, to retail Harvey's Theron and Aspasio, or when in a gloomy temper of mind, some part of his borrowed meditations among the tombs: only, he has sense enough to avoid making any use of that author's reflections upon the creation, and a flower-garden; because being chiefly taken from Thompson's seasons, and Dr. Young's works, they abound with many hard words, which he is unable to write, and much less to spell.

Every hindrance being thus removed, the Doctor took possession, as chief preacher, and brought crowded audiences, who liberally contributed to the support of the hospital. In this station he laboured for one year; and, at the expiration of that term, asked the Governors, whether they chose still to employ him; and
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upon what terms they expected his future service. A present of fifty guineas was immediately voted, and an hundred promised to be given him annually, if they could enjoy the benefit of, at least, thirty sermons from him, during the winter and spring seasons, when most company was in town.

The Doctor still resided at Westham, where he kept a private academy; and, therefore, we may, what from the produce of his two lectureships, what from the charity of the Magdalen Committee, what from the profits of his boarding-school, and literary writings, with reason pronounce, that there, and there alone, he spent the happiest, the most innocent, and useful days of his life.

Whether the devil envied so much tranquillity, or whether ambition might not rather contribute to disturb the scene, but so it was, that a change soon took place, flattering enough in its first appearance,

pearance, but dreadfully fatal in its last effects. About this time, he was appointed chaplain in ordinary to the King; a nomination which opened an unbounded prospect of encreasing grandeur to his deluded mind; and made prebendaries, canonries, rich livings, and even lawn sleeves, rise like fairy visions before his sight. The Doctor imagined, that his harmonious voice, and agreeable elocution, were enough to command universal respect; to humble every rival, and procure him any favour. But it seems that it would have been better, had he remained contented with the applause of brokers, and tradesmen in the city; or gardeners wives and ship captains widows, at Westham; who generally put a greater value upon a preacher's manner, than his matter. He had got among a different class of judges, more able to discern his merit, if he possessed any, and more accurate in distinguishing between a false and a real appearance of it. Bishops and judges, legislators, and lawyers were occasionally his

his hearers, but never his admirers. They perceived so much vanity, so much frivolousness, sordidness, and low art and conceit, in all that he said, or did; as soon gave them the highest disgust, and laid the whole man open to their view.

His abilities they found to be more showy than solid, his reading but narrow, his style without force, and his stock of ideas extremely small. If he began a public discourse with some eclat, and seemed to promise some great and useful matter of instruction, he proceeded with tolerable propriety for a while, but never concluded his sermon to the satisfaction of judicious hearers. Without family, and without borough or county interest; unacquainted as he was with the laws and interests of church or state; a stranger to the spirit and etiquette of parties, slenderly versed in science, and totally unskilled in the mysterious art of making elections, he was reckoned incapable of political life, and consequently unfit for *high*
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For whatever superficial observers may think or say of these matters ; how fondly soever vain and unexperienced clergymen may imagine themselves qualified for any post ; and although there can be no advancement in the church without eminence in learning, or capital interest ; yet it is certain, that among the numerous candidates, perhaps of equal merit, and of equal interest, none are preferred, but men of conspicuous talents, a few instances excepted, when the active corps is already sufficiently strong.

The Doctor, in spite of every frown, still kept himself in the way, and strove to excite the public notice, by preaching many Charity Sermons, as well as by regularly attending in his month at the Chapel Royal——but still without any prospect of mending his finances ; nay, rather, with the certain view of impairing his former income, for want of due attendance among his first employers. The living of Westham becoming
vacant,

vacant, he exerted his utmost force to obtain it; but without success. Nay, he was so urgent, and so keen in the pursuit of this object, as to offer an annuity of 300l. a year to the more favoured candidate, if he would drop his claim; but the proposal was rejected with due contempt.

No resource now remained, but that hacknied and mercenary, that flattering, but often deceitful scheme of building a Chapel of Ease. He had no estate of his own, no fortune with his wife, and had hitherto made his annual expence equal, if not rather at times superior to his annual income. Upon what fund then could he undertake a work, which must naturally cost some thousands of pounds?—Speculative and adventurous Builders are eager to grasp at any employment, and ready to run the most desperate chance, rather than lose what they reckon a good job. One of these engaged to build a chapel for the doctor, to accept of annuities for his payment, with the security of
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a mortgage upon the building.—A rash and dangerous measure! The profits arising from the exercise of his function, and the labours of his pen, were sufficiently precarious in themselves; without being loaded with a burden, they were never fitted to bear, wherewithal could he subsist, if accidents or sickness should disable him, from preaching? Nothing then remained, but the cold charity of the publick; with a certain sum to be paid, and a very uncertain income to receive.

Well, perhaps, might it have been with many others, if by the same pernicious method of raising money by annuities, they had not brought themselves into the like uneasy situation. A method invented by Jews and brokers, to allure the unwary, and screen the lenders from the charge, while they riot in the spoils, of usury. A method which loudly demands the notice and interposition of the legislature, as being pregnant with the most threatening evils. By this, a destructive spirit

spirit of gaming is cherished and upheld ; by this, the most hazardous schemes in commerce are adopted and pursued ; by this the enterprising officer is tempted to aim at preferment, though certain ruin stares him in the face ; by this, the artful land-steward, and sneaking scrivener, seduce the young divine, and make him purchase a rich living, upon such hard terms, as scarce leave him the profits of his personal service, or what he might otherwise have made by a moderate curacy. Nay, it is hard to say, how far the noblest, and seemingly the most opulent families in the British empire, have been affected by this destructive practice. To restrain the prodigal and profuse, was one great object of the Roman laws ; and can it then be unworthy of our legislature, which has already condemned usurers in the lump, to extend their care to such particular and new appearances of it, as may unexpectedly arise from the fertile inventions of a commercial spirit? If they are not too deeply engaged on the lending

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side, it may justly be expected, that they will soon turn an eye of compassion to the case of the borrower, and give some relief to many thousands of his Majesty's loyal, but deluded, subjects.

Among others, our Doctor, regardless of all consequences, eagerly fixed upon the attainment of his end, and highly conceited of his imaginary powers of preaching, embarked in this fatal design of building, without fear or wit. Hence, we may see the cause of all his subsequent misfortunes. Loaded with new debts, and his annual expence as usual, private loans were solicited and obtained, not always to procure food and raiment, but chiefly to pay increasing annuities, which, like rolling Syfiphus's stone, was still tumbling back upon his head, and every year threatening him with the horrors of utter ruin.

This made him hunt after every occasion of making money, and rendered him
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neither nice nor scrupulous, in the use of those means, by which he might obtain it. The lending his name to a publication, of which he never wrote a single line; the composing an essay for a magazine or newspaper; and the translating some bagatelle piece of infidelity, from a modern French author, were not withheld, if any thing was to be got by either of them. But in spite of all these efforts, the Dr. at last was obliged to become a sabbatarian, or in other words, to live in rest for six days of the week at home, and only abroad upon the Sunday. Reports were raised, and chiefly propagated by the Methodists, who envied him much, that he was in the King's-bench; but these reports were false.—Among many other schemes which he formed, to get a temporary supply, was that of offering his extraordinary aid, to the proprietors, or minister of any new chapel of ease, that had been erected; for, to be sure, the doctor's talent of preaching, was in such high, tho' we cannot say in such deserved

vogue, that he thought himself super-eminent in the art ; and most men who knew no better, expected the most marvellous, and lucrative effects from it. A Chapel of Ease at Hampstead was in a declining state, and none was thought so fit to restore it to health and vigour, as our *pretty* preacher.—Like a true empiric, he undertook its cure, and with the aid of his brother, for surely Dick is a second self, left it at the end of one full year's attendance, in a much worse state than he found it ; and after getting the best fee that could be raised, assigned it as an excellent patient to one Mr. Gardner, now of Kensington, for the sum of sixty pounds down ; who officiated in it for another year, and at the expiration of his term, just received from the people his own money only ; with this peculiar satisfaction of having preached the gospel, during that period, for *nothing*.

A new, but grand object of ambition, succeeded to these inferior pursuits.—

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The doctor had translated some of Massillon's sermons, preached before Lewis the fourteenth of France, and presented a copy of them to the King, with no less modest view, than that of recommending himself to be preceptor to the heir of the Crown, with whom he had frequently played at trap-ball, and imagined *that* to be a very just and promising foundation of his hope. But whether it was already agreed, that the most material parts of the royal children's education should be committed to the care of that learned and excellent prelate, who now presides over it, and is able to instruct nations as well as princes; or whether a mere skill in translations from the French and the art of playing at trap-ball, were not reckoned adequate accomplishments for such an important trust, one was at last chosen, who tho' not armed with the power, yet possessing the true spirit of an old flagellator, seemed most fit to bridle the high spirits of two sprightly young princes,

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by loading their memories, with an unnecessary number of Greek dialects.

It is almost needless to mention our doctor's purchase of an advowson in Bedfordshire, which was vacant, for the sum of fifteen hundred pounds, and the living worth two hundred a year ; and the reversion of which upon his death, he sold for somewhat more than a thousand, if it be not to shew, that he was always acute, selfish, and even over-reaching in all his bargains, and generally had the cast of the scale, in every pecuniary transaction.

A more material article, with regard to his pursuit of good livings, demands our notice, in the celebrated affair of St. George's, Hanover square ; in which his conduct will be found more innocent and harmless than is generally imagined.—It is well known, and can still be proved, that many friends of the eminent doctor, who was at last appointed rector of that opulent, gay, and extensive parish, whether actuated by mere officious zeal to serve,
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and without authority from self humor, his high and noble patron had given it out in the various companies, and in many places of public resort, that as he was young, and the parish in question required a parson of experience, it would be very eligible to exchange it for something of near equal value, and much easier duty.——A canonry of Windsor, a prebend of Durham, or even a well conditioned rectory of five or six hundred a year, were talked of, as proper equivalents for the precarious income of St. George's, Hanover Square. Our Doctor, ever vigilant to catch a good bargain, and always entertaining an high conceit of his superior address and abilities, could not let this opportunity slip; but immediately, tho' perhaps transmitted through an improper channel, made this alluring offer, That he would give to the favoured candidate for his interest, an annuity of three hundred pounds a year, and his living in Bedfordshire, which was worth 200l. more.

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What the consequence of this proposal was, how highly it was resented, and how severely punished, as if, in this age of avarice and luxury, we were all saints, and totally free from every simoniacal stain, is already so well known to the public, that it is quite needless now to rehearse it. Transactions of a worse kind have been begun and finished, without producing such bad effects; but it is wise and right in every clergyman to wait with patience for the mighty fiat of that unerring Judge of merit, who alone can accomplish their wishes, if found consistent with his views.

This the Doctor experienced about twelve months afterwards, when he obtained a dispensation to hold, together with his former one, that rich living, to which his late noble pupil, out of gratitude for as much play as instruction, had kindly presented him. All this, one would think, might have raised the Doctor above want; but we yet find him employing the meanest

nest and most fraudulent arts to procure a present supply. It is well known, that a few week ago, he accepted the office of Editor of a certain Morning Paper, with a salary of five guineas per week: and no less certain, that about half a year ago, he over-reached two clergymen; who being without employment, too hastily caught the bait he laid before them. Wanting to get rid of his chapel in Charlotte-street, Bloomsbury, upon the best terms, he proposed to let it to those two clergymen for 300l. a year, assuring them that the rents of the pews brought in 400l. and that by their popularity they might be encreased to an 100l. more. The bargain, without farther enquiry, was struck. But, alas! 300l. a year, the very sum they had bound themselves to pay to the Doctor, was all they could find in the Clerk's accompts. By this artful trick, one of the clergymen, who cannot afford to lose a year's labour, will be almost ruined; and the other, however much chagrined, must make the best he can of a bad market.

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To all his faults, which have been many and heinous, I am sorry to add that capital crime, the circumstances of which, the means of its being detected, his public examination, and trial for it, highly merit our attention.

EXAMINATION before the Lord Mayor.

ON Saturday, the 8th of February, the Rev. Dr. Dodd, and Mr. Lewis Robinson, a Broker, were charged before the Lord Mayor in the Old Council Chamber, Guildhall, by Henry Fletcher and Samuel Peach, Esqrs. with forging and uttering, as true, a counterfeit bond, purporting to be the bond of the Earl of Chesterfield, to whom the Doctor is Chaplain, for the payment of 4200l. with intent the said Messrs. Fletcher and Peach to cheat and defraud.

To prove this charge against the prisoners, Mr. Fletcher was first examined, who said, that Mr. Robinson applied to him to advance 4200l. upon a bond filled up in the name of the Earl of Chesterfield, which bond was not then signed. Mr. Robinson undertook to get it signed, if Mr. Fletcher was willing to raise the money—the witness promised, after a

strict enquiry of the prisoner who employed him, &c. to which he replied Dr. Dodd. That afterwards he and Mr. Peach jointly advanced 4200l. upon the bond.

Mr. Manly, an attorney, was the next witness; he was the person who discovered the forgery. When Mr. Peach called at Mr. Manly's chambers, to be satisfied of the legality of the bond, the witness happened not to be there; so his clerk gave his opinion; and thereupon Mr. Peach immediately paid the money to Robinson, who attended him for the purpose of receiving it. The bond was left by Mr. Peach, and the next morning Mr. Manly looking at it, spied a blot, or erasure upon a material passage. He asked his clerk, if he remembered to have seen it? to which he answered in the negative. This roused Mr. Manly's suspicions; he called at the Earl of Chesterfield's, who was not at home. He left a note, acquainting his Lordship that he had a bond in

in his possession in his name ; and as some doubt prevailed as to the signature, he had taken the liberty to call for satisfaction. The next day the witness called a second time, when he saw his Lordship : he told him he came upon a disagreeable subject, which required his interference to be set right. He shewed his Lordship the bond, and requested to be informed whether it was of his execution. The noble Lord stood amazed, and declared that he never before set sight of the deed.

Samuel Peach, Esq ; was the witness who followed Mr. Manly ; he deposed, that Robinson published to him the bond, and said it was executed by Lord Chesterfield ; he paid him the 4200l. at Mr. Manly's chambers.

Mr. Innis was the next witness.

Lord Mayor. Mr. Innis, do you know my Lord Chesterfield's hand-writing?

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Mr. Innis. I do ; I have frequently seen him write.

Lord Mayor. Is this signature (*shewing the bond*) the hand-writing of my Lord Chesterfield ?

Mr. Innis. No, my Lord, it is not.

Lord Mayor. Mr. Robinson, you hear the charge, and what has been said against you ; it behoves you to make an answer to it—what have you to say ?

Mr. ROBERTSON'S Defence.

“ My Lord, I received this bond from Dr. Dodd, as witnessed by him, to the execution of it by the Earl of Chesterfield ; my confidence in the Doctor lulled my suspicions of the least degree of fraud being blended with the transaction. In consequence of a letter (*producing it, which was signed H. W. D. and the purport of which was to desire Mr. R. to solicit the*
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loan of 4200l. for a young nobleman just turned of twenty-one years of age) I called upon Dr. Dodd, and, by agreement, went to Mr. Mann, who refused to advance the money because he was not to see the bond executed; I returned and told Dr. Dodd; I afterwards proposed to endeavour what I could do in the city; accordingly I met with Mr. Fletcher, who, jointly with Mr. Peach, agreed to lend the money; Mr. Fletcher, at first, objected to my receiving the money; at which I told him that I had no doubt of procuring a note from the Earl for me to be paid it; the next morning I called upon the Doctor, who said he had been with Lord Chesterfield, and seen the bond executed by his Lordship; he then signed his name as a witness, and I, knowing Mr. Fletcher to be a particular man, and one of those who would object to one subscribing witness only, put my name under the Doctor's; I then went and received the money, which I paid into the hands of Mr. Dodd, 3000l. in notes of Sir Charles

Charles Raymond and Co. the remaining 1200l. in bank-notes. Mr. Dodd asked me what my commission amounted to? I told him we could not take less than 100l. a-piece; Mr. Dodd paid me 100l. and kept, as I thought, the other 100l. for his trouble. I hope Dr. Dodd will publicly declare me innocent; he knows I am so: when he was apprehended, he openly declared I knew nothing of the forgery; he said *I had acted an honourable part.*"

Lord Mayor. Does any body know this (*showing the bond*) to be Dr. Dodd's writing? No answer.

The Earl of Chesterfield, at his own request, was sworn, and positively denied the signature to be his. A trifling dispute was created upon this question, "whether the Earl of Chesterfield should be called upon his *oath*, or his *honour* as a Peer, to give evidence?" The noble Lord observing the debate likely to increase,

crease, desired he might be sworn, and thus put an end to the altercation.

Dr. Dodd's evident perturbation of spirits almost deprived him of those shining faculties of speech, which in the pulpit have so often been listened to with astonishment, and been favoured with approbation. This great orator was so sunk under the pressure of melancholy reflections, that his countenance indicated the bitter, weighty sorrows of his mind. How widely different was the change of his situation the preceding day, when he was apprehended at the very moment he was about to enjoy with his friends an entertainment which he had provided—snatched from the arms of his wife, to mingle with the inhabitants of a goal—to undergo the horrors of imprisonment, after enjoying so many years of luxurious liberty, is a shock too severe to be borne by the human frame with an equanimity of disposition. It is not therefore to be wondered at, that the Doctor gave way to the

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torrent of ideas that must interrupt his repose. A man of his unlimited sensibility must feel the unfortunate stroke with a poignancy of distress that is not in the power of language to form a description of. After collecting his spirits a little, he thus addressed himself to the chair.

Dr. D O D D'S Defence.

“ I am at a loss what to offer in such a situation.—I had no intention to defraud my Lord Chesterfield.—I hope, that the satisfaction I have made in returning the money, will atone for the offence.—My life can be of no service to any body, though, if it must be forfeited, take it.—I shall be willing to resign it.—I was pressed exceedingly for 300l. to pay some bills due to tradesmen. I took this step as a temporary resource.—I should have repaid it in half a year.—My Lord Chesterfield cannot but have some tenderness for me, as my pupil.—I love him (*here his tears interrupted him for some time*) he knows it.
—He

—He has experienced it of me—I regard his honour as my own.—There is nobody wishes to prosecute.—Pray, my Lord-Mayor, consider my case, and as there is no prosecution, dismiss me. I am sure my Lord Chesterfield don't want my life. I hope he will shew clemency to me.—Mercy should triumph over justice.”

Mr. Robertson. I hope, Doctor, you will do me the justice to declare here publickly, that I am no ways guilty.

Dr. Dodd. I do ! I do ! I do ! Mr. Robinson, you are certainly innocent.

Mr. Fletcher having received back 3700l. and accepted a power of attorney from the Doctor for the remainder of the 4200l. which he had advanced, now shewed no forwardness for a prosecution ; however, the Lord Mayor ordered a prosecution, and bound him in a recognizance of 500l. and the following mittimus was sent with the prisoners to Wood-street Compter.

(C O P Y.)

To all and every the Constables, and other Officers of the Peace, for the City of London, and the Liberties thereof, whom these may concern, and to the Keeper of Wood-street Compter.

London, } THESE are, in his Majesty's
to wit, } name to command you, and every of you, forthwith safely to convey and deliver into the custody of the said Keeper, the body of William Dodd and Lewis Robinson, being charged before me, one of his Majesty's Justices of the Peace in and for the said City and Liberties, by the oaths of Henry Fletcher, John Manley, Samuel Peach, and Albert Innis, for feloniously, and falsely making, forging, and counterfeiting a certain Bond or Obligation, bearing date the 4th of February instant, purporting to be a Bond, made and executed by the Right Honourable the Earl of Chesterfield, in the penalty of *Eight Thousand Four Hundred Pounds*, payable
to

to the said Henry Fletcher; and for feloniously publishing the same as true, with intent to cheat and defraud the said Henry Fletcher and Samuel Peach, knowing the same to be forged and counterfeited contrary to the statute, whom you, the said Keeper, are hereby required to receive, and them, in your custody, safely keep, until they be discharged by due course of law; and, for so doing, this shall be to you, and each of you, a sufficient warrant. Given under my hand and seal, this 8th day of February, 1777.

THOMAS HALLIFAX, Mayor.

When the Doctor was conveyed to Wood-street Compter from Guildhall, he met with the most severe treatment from the passengers. Though not much to the honour of human nature, perhaps we should be justified in the observation, if we averred, that, when any individual is bending under the weight of misfortunes, the tongue of malevolence and slander are ever ready to magnify the errors of his heart.

heart. Led by the first impulse of resentment, the populace showered down the bitterest reflections upon the unhappy victim of their anger. But were they to be susceptible of the feelings, which must unavoidably torture the breast of the unfortunate culprit; were they conscious of the pangs such unmerited treatment gives him, they would have taken shame to themselves for acting so opposite to every principle of justice in a cruel triumph over his afflictions.

As impartial relaters of fact, we mean to exhibit every circumstance in its native colours, without derogating from the character of the Doctor; or paying him any undue compliment.

*An ACCOUNT of the TRIAL of Dr.
DODD for FORGERY.*

ON Saturday the 22d of Feb. at a quarter before ten o'clock, the Court being assembled in the Sessions house in the Old-Bailey, Dr. Dodd was brought down from Newgate, and supported to the bar by the friendly arm of the Rev. Mr. Butler. As soon as the Doctor had a little collected himself, the indictment was produced, and Mr. Howarth (one of the Doctor's counsel) transmitted him a paper, which he read to the Court; the purport of which was, "That he was instructed to beg the opinion of the Court, whether it would not be exceedingly unprecedented and unfair, to compel him to plead to an indictment, on the back of which the name of Mr. Robertson appeared as a witness, although he had been committed to prison under a charge of equal criminality with himself: and as the Court were well aware that Robertson's evidence had been surreptitiously obtained, he trusted they would quash the indictment, more especially after they had heard the arguments of his counsel on the subject."

The Court immediately called for the order of the 19th, issued by Mr. Deacon (without their consent) authorizing Mr. Akerman to carry Lewis Robertson before the Grand Jury at Hicks's Hall, and made a fresh order discharging it; in this new order, the Court adopted the words of the prisoner's prayer, and stated as a reason

reason for discharging the former, "it appearing to this Court to have been *surreptitiously* obtained."

Mr. Howarth then rose as leading counsel for Dr. Dodd, and very ingeniously argued, that it would be repugnant to every principle of law and equity to try Dr. Dodd on the indictment then before the Court. Mr. Howarth observed, that it was evident the indictment had been obtained partly by the evidence of Robertson, who was not only originally incompetent as a witness, but whose testimony was totally done away by the Court themselves, in their vacating the surreptitious order, under warrant of which he had been conveyed to Hicks's Hall, and sworn before the Grand Jury. It was impossible, he further said, for him to be apprized of what had passed before the Grand Jury, because the Jurymen were bound by solemn oath to keep every thing that passed before them a profound secret; but it was evident to the whole Court that Robertson had been committed as a person equally guilty with the prisoner; it was also evident that his testimony had tended in some measure to the return of the bill; and as the Court had vacated the order, under warrant of which that testimony had been given, he trusted he had good ground for asserting that the bill ought not now to be deemed a true bill. In support of this doctrine, he contended, that the evidence before a Grand Jury ought to be as pure as that given upon a man's trial; and that if it were not, a bill ought not to be found in the first case, any more than a verdict in the latter. He instanced the case of a bill found by a Grand Jury, one of whom it afterwards turned out was an outlaw, and therefore incompetent to sit as a Jurymen; this bill, he

he said, was quashed, and the parties indicted were not in consequence put upon their trial. After having with great plausibility endeavoured to shew that the prisoner ought not to be tried on an indictment to which Robertson, a party equally criminal, had been sworn as a witness, he ended with hoping that the Court would reject that evidence, which, by an act of their own, they had deemed incompetent.

Mr Cowper followed Mr. Howarth on nearly the same grounds; contending, that the Court having discharged the order respecting Robertson, could not equitably put Dr. Dodd upon his trial, as the indictment then stood; and enforced Mr. Howarth's argument concerning the necessary validity and legality of evidence heard by a Grand Jury. Mr. Cooper instanced the case of Mrs. Rudd and the Perreaus as a case in point to the present question.

Mr. Buller next spoke on the same side of the question, and very ably shewed the injustice of trying the prisoner, and suffering Robertson to escape; he said, that Robertson, as a broker, was much more criminal than the prisoner; that the crime was a crime of the first magnitude in a commercial city; and that Robertson, from his profession, ought to have known how material it was for him to take care and avoid uttering a forgery. He urged, in very warm terms, the cruelty of singling out the Doctor as an object of vengeance, and cited from Hale's Pleas of the Crown, p. 303, two cases, from which it appeared that it had been the *advice* of the Court, who heard the matter there stated, that a person similarly situated with Robertson was incompetent as a witness.

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Mr. Mansfield replied to the arguments in favour of Dr. Dodd, and began with declaring, that what had fallen from the gentlemen on the other side, was altogether new, and diametrically opposite to every idea of law which he had ever heard or read of. He said the doctrines which his brethren had delivered, were the most dangerous that ever had been broached; he should therefore, as well in discharge of his duty to his clients, as in justice to mankind, oppose them strenuously. He began with asserting, that it was not in the breast of the Court to make an evidence; that the law of England made evidences, and pointed out what was, and what was not competency, and that it was merely the office of the judges to deliver the law, and distribute impartial justice. He contended that every argument urged respecting Robertson was equally futile and false, both in law and in fact. He knew the whole of the present case as perfectly as any man concerned in it, and he was bold to say, that Robertson, so far from deserving the reflections which had been thrown out against him, ought scarcely to be deemed, in any degree, criminal, although he had acted a very imprudent and blameable part in the transaction. He said it was by his advice that he had been sworn as an evidence. It was true that there had been a mistake about the obtainment of the order, but it was nothing more than a mistake; it was obtained as a matter of course, and the manner did not at all affect the competency of Robertson, who, if he even had broke jail and escaped from Mr. Akerman, would have been a competent evidence, and if he had returned to Newgate, must have been sworn in Court as a witness.

witness. Every thing that had been said about a Grand Jury, tended to establish doctrines equally new and dangerous. What passed before a Grand Jury was for the wisest and best purposes, given under sanction of a solemn oath of secrecy; "was it then admissible in argument to urge the Court to an enquiry into the evidence heard by a Grand Jury? or indeed was it at all necessary? Did not every man know that a Grand Jury cannot try a cause? they only hear evidence in support of a charge, and even evidence tending to support a suspicion only, is sufficient to warrant their finding a bill which is found, not with a view merely to bring the guilty to punishment, but for the more important and constitutional purpose of putting the innocent upon their trial, and giving them the chance of a fair and honourable acquittal by their country." Mr. Mansfield asked how the Court could be supposed to know any thing respecting the *quantum* of Robertson's criminality, and said the arguments advanced on that point by the gentlemen on the other side, were built merely on assumption. [Judge Willes here stopped him, and told him the Court did not take up the matter on any such ground, but that they very naturally drew their information from the face of the commitment, where it appeared that Robertson was described as a principal with the prisoner at the bar.] Mr. Mansfield resumed his argument, and persisted in asserting, that there was no injustice in trying the prisoner at the bar. It is unnecessary to add, that this gentleman answered the arguments advanced by Dr. Dodd's counsel in a most able and masterly manner.

Mr. Davenport seconded Mr. Mansfield, and repeated the argument used by that gentleman respecting the competency of Robinson's evidence. He said, Woe be to that Grand Jury who should have dared to refuse hearing Robertson, let him have come before them in what manner he would; that a Grand Jury were sworn to hear every thing offered to them in support of any bill preferred, and that he would not on any account be the counsel of that Grand Jury who should venture to refuse to hear evidence. Mr. Davenport took occasion to justify the conduct of the officer of the Court, and the attorney for the prosecution, so far as it regarded the obtaining of the order to Mr. Akerman concerning Robertson, and said that they were worthy men, and at least as respectable as any who had taken upon themselves to throw out the grossest invectives, and to treat them with a harshness altogether indecent and unmerited. Mr. Davenport concluded with some general observations on the case before the Court, and declared that his earnestness arose not so much from a fear that a guilty man should escape, as that an innocent one should be convicted.

As soon as Mr. Davenport had finished, Baron Perrin declared, that he was free to say, the whole difficulty in which the matter was now involved, owed its origin to the mistaken lenity which had been shown the prisoner, in not removing him to Newgate six days before the session, as the other prisoners were, agreeably to the standing order of Court; that those, therefore, who were the cause of that ill-timed and partial attention to the prisoner, were the authors of the present perplexity.

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Mr. Alderman Wooldridge then rose to justify himself from the reflections of Mr. Davenport, which he said were evidently aimed at him; and observed, that if the unfortunate gentleman at the bar was convicted, his blood would rest on Mr. Deacon's shoulders, and he would not in that case stand in his situation for all that the whole Court was worth.

After the Court had adjusted these matters, and declared that the propriety of admitting Robertson's evidence, under the present circumstances, might even, after the trial, be referred, as a question of law, to the Twelve Judges, it was agreed to proceed to arraign the prisoner on the indictment as it then stood. The indictment was accordingly read by Mr. Reynolds, clerk of the arraigns, and consisted of *eight* counts, two of which charged the prisoner with having forged and uttered a bond (for the payment of 700l. per annum, in consequence of receiving 4,200l. and under the penalty of 8,400l. in default of punctual payment on four quarterly stated days) in the name of Lord Chesterfield, with intent to defraud Lord Chesterfield; two with having forged and uttered the name of Chesterfield to the receipt also, with an intent to defraud Lord Chesterfield; and the four others, in a similar manner charging him with having forged and uttered the bond and receipt with an intention to defraud Mr. Fletcher. Dr. Dodd pleaded **NOT GUILTY** in the usual form, and put himself on God and his Country.

As soon as a young counsel had briefly stated the nature of the charge against the prisoner, Mr. Mansfield with great delicacy entered into a larger explanation of his client's case; he began

with declaring, that the gentlemen at whose instance the prosecution was carried on, by no means wished to urge any matter that might look like malice, or bear the slightest appearance of revenge; and he lamented that he was under the necessity of urging a charge against a gentleman of the prisoner's function and character, of so atrocious a nature as that alleged in the indictment. It was his duty however to state the case as related in his brief, and to declare that witnesses would be sworn to confirm every part of what he stated. Having gone through the whole account with precision, he next proceeded to call the witnesses.

Lord Chesterfield was first sworn; but before he was interrogated, he was asked to produce the release given by him to Mr. Fletcher. He delivered the instrument to the clerk of the Court, who read it aloud, and it appeared to be a legal discharge, executed by Mr. Fletcher, who thereby acquitted Lord Chesterfield for the valuable consideration of five shillings lawful money of Great Britain, of all claims from the beginning of the world to the present day.

Lord Chesterfield's testimony being by this means cleared from the possibility of challenge, Mr. Manly produced the original bond, and deposed that it was left at his chambers on the 5th of Feb. together with a letter, which he also produced, and which was signed *Chesterfield*.

The bond was exhibited to Lord Chesterfield, and he was questioned, whether the word *Chesterfield* subscribed to the bond was his writing; his Lordship declared it was not. He was then desired to look to the name of the witness, and asked if he knew the hand-writing of the words
William

William Dodd? his Lordship said, He knew it to be the hand-writing of the prisoner at the bar; that he had long known him, had often seen him write, and that he had been his tutor. He was next interrogated if the name of *Chesterfield* subscribed to the receipt, was his writing? he swore it was not; and on being asked if he knew whose writing the words *Chesterfield* at the foot of the bond, and at the foot of the receipt were, he declared he did not.

Mr. Manley, as to the identity of the bond, proved that it had not been out of his hands from the time he first received it, till the present moment, excepting one night that it lay in Mr. Fletcher's desk, and a few minutes while his brother Mr. William Manly copied it.

Mr. William Manley and Mr. Fletcher supplied the defects of this evidence, by proving, that the instrument in Court was the same which they had received from and delivered to Mr. Manley.

Mr. Manley then gave the Court a circumstantial account of every matter within his knowledge from his first acquaintance with the transaction. He deposed, that on perusing the bond, he observed a remarkable blot on the two first letters in the word *seven* in the obligatory part of the bond, which appeared to him rather as the effect of design than of chance. That this startled him, although it did not give him an idea that the bond was forged; that he forthwith communicated his alarm to Mr. Fletcher, by whose direction he went to *Chesterfield-house*, but not finding his Lordship at home, he left a note intimating his intention to call at ten in the morning. That he went accordingly, accom-
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panied by Mr. Innis, and saw his Lordship, who accosted him with saying, " Oh, you call about the bond, I've burnt it," meaning a bond of a different nature. That after an explanation he (the witness) produced the bond in question, and Lord Chesterfield not only said, it was not his bond, but that he supposed Dr. Dodd was gone off. Mr. Manley further stated, that he returned into the city, and upon a conference with Mr. Fletcher, waited on the Lord Mayor at his house, and while he was there, Mr. Fletcher came in, and told him Robertson was at Sir Charles Raymond's; next door. That he immediately went to the next door, and secured Robertson, who instantly confessed from whom he had the bond; and that relying upon Dr. Dodd's declaration, that it was Lord Chesterfield's bond, he had subscribed his name as a witness, though he had not seen it executed. That he then took out a warrant against Dr. Dodd and Robertson, and taking Mr. Innis, Robertson, and some of the Lord Mayor's officers with him, they all went in two coaches, to Dr. Dodd's house, in Argyle-street; that he gained admittance and found the Doctor at home; that after sending up his name, the Doctor came down stairs, and he then told him, he was sorry to wait on him on so unhappy an occasion; that he stated his business, and asked the Doctor what could have induced him to have been guilty of so rash an action? that the Doctor paused for some time, and at length said, " I was impelled by *urgent necessity*, I declare I meant no injury to Lord Chesterfield, nor to any person; I was pressed for 3 or 400l. to pay a few tradesmen's bills, and I meant to have replaced the money in half a year, having re-

sources

sources which would have enabled me to have done it." Mr. Manley went on, with deposing, that he asked Dr. Dodd if he could return the money, and said, that would be the only means of saving him; that the Doctor took him up stairs, and opening a bureau, gave him out of a pigeon-hole, six notes of Mr. Fletcher, payable at fourteen days after sight, for 500*l.* each. That he then asked if he could give him any more? when the Doctor looked to his banker's book, and there appeared to be a balance of 900*l.* in his favour, but that the Doctor said he could not draw for the whole; that he, however, gave him a draught for 500*l.* and Mr. Robertson refunded the 100*l.* commission, which he had received, and that Dr. Dodd gave him a judgment upon his goods for the remaining 400*l.* Mr. Manley declared, that Dr. Dodd, on being asked by him at his house, if he acquitted Mr. Robertson of any share of the criminality, replied, "He did, he did." Mr. Manley ended his evidence with describing what passed at the examination before the Lord Mayor, on Saturday the 8th instant.

The next witness sworn was the treasurer to the Thatched House Tavern Society for the relief of persons imprisoned for small debts—an institution of which the Doctor is the founder, and for which this metropolis in particular is highly indebted to him:—to this gentleman the bond was exhibited, and it was asked if he did not know the hand-writing of the subscribing witness? he confessed he did, and that it was Dr. Dodd's.

Lord Chesterfield's steward (Jeffery Oakes), proved that the word *Chesterfield* subscribed to the

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bond

bond and the receipt, were not Lord Chesterfield's writing.

Mr. Fletcher was again sworn, and desired to produce the six notes which the prisoner had returned to Mr. Manley. He delivered them to the Court, when it appeared that two of them were indorsed *Chesterfield*.—His Lordship was questioned whether the words were his writing, he replied, They were not.

Mr. Albert Innis was next sworn; he deposed, that he accompanied Mr. Manley to Ld Chesterfield's and Dr. Dodd's, and that he was present at the latter's examination before the Ld Mayor. Mr. Innis read, from written minutes, a circumstantial account of what passed on each occasion, and recited the Doctor's speech verbatim.

Lewis Robertson was the last witness sworn. He deposed, that Dr. Dodd applied to him to raise him the money on the bond; that the Doctor assured him it was Ld Chesterfield's bond, and that he, in consequence, subscribed his name as a witness to the execution, although he had not seen it executed: and that Dr. Dodd subscribed his name in his presence. Upon the Court's questioning him if he had ever done so before, he replied, He had more than once.

As soon as the evidence for the prosecution was gone through, the Court told Dr. Dodd it was then his time to make his defence.

Dr. DODD spoke to the following purport:

My Lords, and Gentlemen of the Jury, From the evidence that has this day been produced against me, I am now called upon to answer to the charge brought against me. There is no
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man in the world, my Lords and Gentlemen of the Jury, has a deeper sense of the heinousness of the crime of which I stand charged. I view it, my Lords, in all its extent of heinousness; but, my Lords, I apprehend that the malignity of the crime always, both in the eye of law, reason and religion, consists in the intention. I am informed, that the act of parliament, upon this head, runs perpetually in that style, with an intention to defraud. Such an intention, my Lords and Gentlemen of the Jury, has not been attempted to be proved upon me; and from the consequences of the evidence that has appeared before you, it is sufficiently proved that a perfect and ample restitution has been made. I leave it my Lords to you, and the Gentlemen of the Jury to consider, that if an unhappy man at any time deviates from the law of right, yet if in the single first moment of recollection, he does all he can to make full and ample amends, what, my Lords and Gentlemen of the Jury, can God and man desire more? My Lords, there are a variety of circumstances too tedious to trouble you with now, with respect to myself. Were I to give a loose to my feelings, I have many things to say, and I am sure you would feel with me with respect to them. But, my Lords, as it appears upon all hands, and as it appears, Gentlemen of the Jury, in every sense, that I had no intention to have done the least real injury to any man upon the face of the earth, I hope you will consider this in its true state. I must observe to your Lordships, though I have met with all possible candour from this court, I have been pursued with oppressive cruelty. I have been prosecuted after the most express engagements, after the

most solemn assertions, and after the most delusive and soothing arguments from Mr. Manly. I have been prosecuted with a cruelty scarcely to be paralleled. A person avowedly a criminal, and who stood in the same light as myself, is brought forth, and admitted as a witness against me, which is a fact totally I believe unexampled. My Lords, oppressed as I am with ignominy, loaded as I am with distress, sunk under the weight of this cruel prosecution, your Lordships, and the Gentlemen of the Jury, cannot think life a matter valuable to me. No, my Lords, I solemnly protest that Death of all blessings would be the most pleasant to me, after this place. I have yet, my Lords, ties that call upon me; ties which render me desirous even to continue in this miserable life. I have a wife, my Lords, who for twenty-seven years has lived an unparalleled example of conjugal affection to me; whose behaviour during this trying scene, would draw tears of approbation, I am sure, even from the most inhuman. My Lords, I have creditors too, who will suffer greatly; and I hope, for the sake of justice towards them, some mercy will be shewn. My Lords, and Gentlemen of the Jury, looking upon it in the most impartial view, and strictest manner, and calling Heaven to witness, I declare solemnly it was my intention to have repaid it in three or four months. I have had Mr. Manly's repeated and most sacred promises, that I should not be prosecuted. As it appears clear to every man there is not the least injury done to any man upon the face of the earth, I fully confide myself in the kindness, humanity, and protection of my country."

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The Doctor having finished what he chose to say in his defence, the Court asked his Counsel if they wished to call any witnesses; they declined calling any, but Mr. Howarth pointed out a part of the indictment which he thought not sufficiently correspondent to the bond; the Court agreed to refer it to the Jury for their consideration, when they left the Court to deliberate on their verdict.

Baron Perryn, who tried the cause, here summed up the evidence, and made a few observations as he proceeded. It is needless to say, that the Judge discharged his duty by circumstantially stating what had fallen from the mouths of the witnesses. He pointed out to them the two matters on which the prisoner chiefly rested his defence, viz.

“ His having no intention to defraud; and
 “ his having made such ample restitution, that
 “ not any person was injured.”

And he submitted it to the Jury, how far these pleas ought to operate on their minds, and whether they were sufficient to ground a verdict of acquittal upon. He did not, however, let the Jury leave the Court, without informing them of the danger of admitting such pleas as exculpations, after a proof of forgery; and stating to them the possibilities in law and reason against the truth of the unhappy prisoner's defence, and the power of making restitution, even where it had been intended, by a criminal, at the moment of his violating the law.

The Jury were out of the Court about ten minutes, and then returned their verdict **GUILTY**; they afterwards recommended the prisoner to mercy,

mercy, when the Judge told them they must apply to the Recorder, for that he could not second their application.

The trial was not over till half past four in the afternoon. The prisoner had like to have dropped several times, while he was at the bar. The Rev. Mr. Butler staid in the bar with him during the trial. While the Doctor was making his defence, there was scarcely a dry eye in the Court; and when the Jury returned, several of them appeared very much affected.

Upon the whole, it is evident, that amidst all the smiles of the public, nothing contributed more to his indigence and ruin than his engaging in so many hazardous schemes, and being so often obliged to borrow money by annuities. Of what great avail could the tythes of his two livings, his salary at the Magdalen, and the rents of the pews in his Chapels be, when the greatest part of these profits were to be shared among his annuitants? It is therefore difficult to say how little or how much the Doctor's income was, or from what a variety of causes his necessities might spring. His annuitants can best inform us of the one; and God and his own conscience alone can tell the other. Religion, in spite of all the errors of men, or the stratagems of the devil, will always retain its native excellence, and stand firm upon its own basis; being founded in the nature of things, and established on the rock of Divine Truth. We are grieved for his misconduct; but still more astonished to hear so poor a plea from the mouth of a man who has the least pretensions to learning. He can be no casuist, though a Doctor in Theology, who would insist upon the purity of his intentions, and call the crime of forgery by the mild and soft name of a *temporary expedient*. This is a plea, if once admitted, that would excuse the greatest
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offenders ; for the lowest tribe of thieves and swindlers never steal nor cheat, unless their excesses demand a supply. But let the Doctor ask himself what must have been the consequence, had he died before he could have made restitution, and had expired in an apoplexy a few days or weeks after he had received the money.—It is obvious, that in such an event, the too-credulous *Robertson* must have been hanged, and the lender entirely defrauded ; for the annuity depended, or was supposed to depend, upon Lord Chesterfield's life, and not upon the Doctor's.

At the rate that his friends would seem to argue, we may venture to assert, that more harm and discredit are done to the cause and interest of religion by their sophistry, than he has been able to do by his atrocious crime. The Jesuits have been justly blamed for teaching doctrines which tended to weaken the force of moral obligations, and to relax every duty of civil and human life. What shall we, then, think of Protestants, who, under the pretext of humanity, would excuse an action evidently destructive of all public order ; or, by a pretended purity of intention, justify the greatest frauds. This has been frequently, and with too much reason, laid to the charge of those ardent and idolizing people, who lift themselves under the banner of some celebrated preacher ; and wish rather to have their passions moved, than their judgements informed.

Whatever mercy we may wish to shew him, it is still our duty to censure the heinous crime of which he stands convicted ; that we may learn to form a candid judgement of good and evil, to avoid every error that may tend to weaken the ties of moral rectitude in our inward man ; and carefully to cherish that cautious fear, that tender sensibility of mind, which will make us *stand in fear, and sin not*, either against the rights of society or the laws of God.

It is the province of religion to regulate the secret aims and intentions of men. While a civil jurisdiction takes cognizance only of our external actions, and their native tendency. The former in every instance

stance of disobedience, leads our views to an awful *hereafter*; the latter chiefly considers the injuries that may be done to society, if human crimes were permitted to go on to the full extent of their possible effects.

In these happy realms, all offences are strictly personal; without endangering the honour, interest, or lives of the innocent, however nearly connected by *profession, family, or tribe*, with those who are found to be guilty.

There is one law for the priest and the people, for the noble and the mean. It is our wisdom and duty to avoid every flagrant crime, whatever may be the danger, whatever the inconveniencies that would tempt us to commit it. All offence of this kind is universally prohibited; and all persons without exception who dare thus to offend, are unavoidably liable to those penalties which national justice can inflict.

What may, at last, be the fate of that unhappy man who is the subject of these Memoirs, it might be thought an high act of presumption in us to determine. His case is yet subject to the opinion of the Twelve Judges; and while there is life, there is hope.—That he may escape the full extent of his deserved punishment, is now more than probable.—That he cannot expect the Royal pardon, is absolutely certain.—We can therefore venture to say, as it begins to be confidently asserted, that as no time can be fixed for the meeting of the Twelve Judges but as he may petition, and they are pleased to determine, he will be permitted to languish in confinement for the benefit of his annuitants; and thereby afford a signal instance, that a jail, for once, may be said to pay debts.

THE END.

